

Thomas L. Nasiacos, James Mallers, and Harry Kokenes, copartners, trading as the Nasiacos Importing Co., Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 12 and 16, 1919, from the State of Illinois into the State of Utah, of a quantity of olive oil which was misbranded.

Examination of a sample consisting of 5 cans of the article by the Bureau of Chemistry of this department showed on the cans examined an average shortage of 0.3 gallon, or 6 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents  $\frac{1}{2}$  Gallon," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the said cans contained  $\frac{1}{2}$  gallon thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained  $\frac{1}{2}$  gallon thereof, whereas, in truth and in fact, each of the said cans did not contain  $\frac{1}{2}$  gallon of the article, but did contain a less amount. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 5, 1921, the defendants entered pleas of guilty to the information, and on July 1, 1921, the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9737. Misbranding of cottonseed meal. U. S. \* \* \* v. Triangle Milling Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 13182. I. S. No. 18823-r.)**

On November 15, 1920, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Triangle Milling Co., trading at Kansas City, Mo., alleging shipment by said company, on or about January 22, 1920, in violation of the Food and Drugs Act, as amended, from the State of Missouri into the State of Kansas, of a quantity of unlabeled cottonseed meal which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On December 28, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9738. Misbranding of Arthur's Sextone tablets, Thomas' emmenagogue pills, Bick's nerve tonic tablets, Bick's Sextone pills, and Bick's Daisy 99 tablets. U. S. \* \* \* v. 10 Packages or Boxes each of Arthur's Sextone Tablets, Thomas' Emmenagogue Pills, and Bick's Nerve Tonic Tablets, 4 Packages or Boxes of Bick's Sextone Pills, and 4 Boxes or Packages of Bick's Daisy 99. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13744, 13745, 13746, 13747, 13758. Inv. Nos. 23289, 23290, 23291, 23292, 23293. S. Nos. C-2534, C-2535, C-2536, C-2537, C-2538.)**

On October 5 and 8, 1920, respectively, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 packages or boxes each of Arthur's Sextone tablets, Thomas' emmenagogue pills, and Bick's nerve tonic tablets, 4 packages or boxes of Bick's Sextone pills, and 4 boxes or packages of Bick's

Daisy 99 tablets, at Moro, Ark., alleging that the articles had been shipped by the Palestine Drug Co., St. Louis, Mo., in part on or about March 13 and in part on or about April 9, 1919, and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Arthur's Sextone tablets consisted essentially of iron, zinc, caffeine, phosphates, and unidentified plant extractives; that the Thomas' emmenagogue pills consisted essentially of ferrous sulphate, aloes, and a trace of alkaloid; that the Bick's nerve tonic tablets consisted of two preparations, brown pills containing, essentially, compounds of zinc and iron, phosphorus, and phosphates and yellow tablets containing iron phosphate and strychnine; that the Bick's Sextone pills consisted of two preparations, chocolate-colored pills containing, essentially, calcium carbonate, iron oxid, plant extractives, and sugar and orange-colored pills containing, essentially, metallic iron, nux vomica extractives, and calcium carbonate; and that the Bick's Daisy 99 tablets consisted essentially of iron sulphate, methylene blue, cubebs, and copaiba.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements appearing in the labeling of the respective products, to wit, (Arthur's Sextone tablets) (wrapper) "\* \* \* Designed to Correct \* \* \* the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, etc. \* \* \* Sextone Tablets For Either Sex Composed of \* \* \* the Most Potent and Dependable Aphrodisiac Agencies," (circular) "\* \* \* Sextone Tablets \* \* \* cases of exhaustion of nervous energy, \* \* \* stimulate \* \* \* the Sexual Plexes, \* \* \* nourish the nervous system and build it up," (Thomas' emmenagogue pills) (box label) "Emmenagogue Pills recommended for Ammenorrhoea, Dysmenorrhoea and other Menstrual Troubles \* \* \* beginning treatment \* \* \* before the regular monthly period. \* \* \* Continue \* \* \* until relief is obtained," (Bick's nerve tonic tablets) (wrapper) "\* \* \* Nerve Tonic \* \* \* for Nervous Prostration and bodily aches and pains, a nerve \* \* \* tonic for all female complaints. \* \* \* for Weakness, Nervousness, Headache, Kidney Trouble, and loss of Power in either Sex. \* \* \* for female weakness, heart trouble and where a general breakdown of the nervous system exists \* \* \*" (Bick's Sextone pills) (box label) "Sextone Pills \* \* \* Composed of \* \* \* Aphrodisiac Agencies \* \* \*," (Bick's Daisy 99 tablets) (wrapper) "Bick's Daisy 99 \* \* \* Gonorrhoea Gleet and functional ailments of the Kidneys and Bladder in both Male and Female \* \* \*," were false and fraudulent in that the said articles contained no ingredients or combination of ingredients capable of producing the effects claimed for them.

On March 15, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9739. Adulteration and misbranding of pie filling compound. U. S. \* \* \* v. 25 Cases \* \* \* of \* \* \* Pie Filling Compound. Decree finding product adulterated and misbranded and ordering its release under bond. (F. & D. No. 14186. I. S. No. 472-t. S. No. C-2662.)**

On January 12, 1921, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, more or less, each containing 48 packages, of lemon